

Attachment A

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

JUN 17 2016

**U.S. DISTRICT COURT-WVND
MARTINSBURG, WV 25401**

Teresa Miller
Your full name

**STATE CIVIL RIGHTS COMPLAINT
PURSUANT TO 42 U.S.C. § 1983**

v.

Civil Action No.: 2:16cv 50
(To be assigned by the Clerk of Court)

Judge Phillip D. Gaijot
Edmund Rollo, Stephen Fitz
Ms DeChristopher Lesa Reidman/Barret
Lance Kurtza West Virginia Parole Board
Enter above the full name of defendant(s) in this action

Bailey/Aloi/Blalock

I. JURISDICTION

This is a civil action brought pursuant to **42 U.S.C. § 1983**. The Court has jurisdiction over this action pursuant to Title 28 U.S.C. §§ 1331 and 2201.

II. PARTIES

In Item A below, place your full name, inmate number, place of detention, and complete mailing address in the space provided.

A. Your Name: Teresa Miller

Inmate No.: 3540153

Address: Lakin Correctional Center 11264
Ohio River Rd West Columbia WV 25287

In Item B below, place the full name of each defendant, his or her official position, place of employment, and address in the space provided.

B. Name of Defendant: Phillip D Gaijot

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Position: JudgePlace of Employment: Monongalia CountyAddress: Monongalia County Justice Cent
75 High Street Morgantown WV 26505Was this Defendant acting under the authority or color of state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: Did not make them show me probation violation tests, took away a reconsideration because I wanted to file a Habeas, forced me into signing a plea my attorney knew nothing of by say he would recharge me for a crime dismissed 8 months prior. Ignored my questions at plea hearing about my trial.

B.1 Name of Defendant: Edmund RolloPosition: LawyerPlace of Employment: Monongalia CountyAddress: 44 High Street Morgantown WV
26505Was this Defendant acting under the authority or color of state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: Had me sign a plea he did not even help prepare, left me in prison for 8 months with no sentencing order, sent recreation papers to wrong address on purpose,

B.2 Name of Defendant: Stephen Fiti zPosition: ProsecutorPlace of Employment: Monongalia CountyAddress: 75 High St 1st floor Morgantown WV
26505

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Was this Defendant acting under the authority or color of state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: Supressed Evidence at a hearing, that could have helped me. Also meet with head of probation and sent copies papers to wrong address when all 3 knew where I was staying

B.3 Name of Defendant: Ms DeChristopher
 Position: Prosecutor
 Place of Employment: Monongalia County
 Address: 75 High St 1st Floor
Morgantown WV 26505

Was this Defendant acting under the authority or color of state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: Agreed with Lesa Reidman about the urine tests but none of the results were shown to me

B.4 Name of Defendant: Lisa Reidman
 Position: Head of Probation
 Place of Employment: Monongalia County
 Address: 265 Spruce St #120 Morgantown
WV 26505

Was this Defendant acting under the authority or color of state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: Never showed me any test at hearing on 2-25-14 / Sent

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probation violation papers to wrong address on purpose along with Capias papers and notice of Capias after talking to prosecutor and lawyer

B.5 Name of Defendant: Lance Kurtza
 Position: Police Officer
 Place of Employment: West Over Police Department
 Address: West Over WV

Was this Defendant acting under the authority or color of state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: Suppression of evidence from a police report and at trial. Not including other person that was at the house in Handout's. That he left leave.

III. PLACE OF PRESENT CONFINEMENT

Name of Prison/Institution: Lakin Correctional Center

A. Is this where the events concerning your complaint took place?
☒ Yes ☒ No

If you answered "NO," where did the events occur?
Monongalia County

B. Is there a prisoner grievance procedure in the institution where the events occurred? ☒ Yes ☐ No

C. Did you file a grievance concerning the facts relating to this complaint in the prisoner grievance procedure? ☐ Yes ☐ No

D. If your answer is "NO," explain why not _____

There is a page attached for
 Parole Office

B.6

West Virginia Parole Board
for 3 times Dec. 2014 / Dec. 2015 / April 2016

Charleston WV

Address

Was defendants under state law at
times claims occurred yes

Explain: Was given a flat for 3 times
on a letter the prosecutor wrote because he
said he was going to. And they read part of
it and it did not match my transcripts.

PSR that I did not fill out but was
read part of it and disagree with it.

Refusal to say I was guilty for a crime
that I plead Alford Kennedy Plea to which
explained to me in transcript was no factual
basis for case and neither innocent nor
guilty.

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- _____
- _____
- E. If your answer is "YES," identify the administrative grievance procedure number(s) in which the claims raised in this complaint were addressed and state the result at level one, level two, and level three. **ATTACH GRIEVANCES AND RESPONSES:**

LEVEL 1 _____

LEVEL 2 _____

LEVEL 3 _____

IV. PREVIOUS LAWSUITS AND ADMINISTRATIVE REMEDIES

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? ☒ Yes ☐ No
- B. If your answer is "YES", describe each lawsuit in the space below. If there is more than one lawsuit, describe additional lawsuits using the same format on a separate piece of paper which you should attach and label: "IV PREVIOUS LAWSUITS"

1. Parties to this previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court: Elkins WV Monongalia County
(If federal court, name the district; if state court, name the county)

3. Case Number: 2:16cv7

4. Basic Claim Made/Issues Raised: Habeas

5. Name of Judge(s) to whom case was assigned: B Bailey

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6. Disposition: _____
 (For example, was the case dismissed? Appealed? Pending?)

7. Approximate date of filing lawsuit: _____

8. Approximate date of disposition. **ATTACH COPIES**

C. Did you seek informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part B? ☒ Yes ☐ No

D. If your answer is "YES," briefly describe how relief was sought and the result. If your answer is "NO," explain why administrative relief was not sought.

Refiled because received transcripts 5-11-16 They did not receive. Refiled again on 6-13-16 CRR. Judicial Review Commission Ethics

E. Did you exhaust available administrative remedies? ☒ Yes ☐ No

F. If your answer is "YES," briefly explain the steps taken and attach proof of exhaustion. If your answer is "NO," briefly explain why administrative remedies were not exhausted.

Filed numerous grievances when arriving in 2014 about not suppose to be here showed counselors and parole Board they said I was already on Home Confinement and messed that up.

G. If you are requesting to proceed in this action *in forma pauperis* under 28 U.S.C. § 1915, list each civil action or appeal you filed in any court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using the same format on a separate sheet of paper which you should attach and label "G. PREVIOUSLY DISMISSED ACTIONS OR APPEALS"

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1. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Name and location of court and docket number:

3. Grounds for dismissal: ☐ frivolous ☐ malicious
☐ failure to state a claim upon which relief may be granted

4. Approximate date of filing lawsuit: _____

5. Approximate date of disposition: _____

V. STATEMENT OF CLAIM

State here, as **BRIEFLY** as possible, the facts of your case. Describe what each defendant did to violate your constitutional rights. **You must include allegations of specific wrongful conduct as to EACH and EVERY defendant in the complaint.** Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, you must number and set forth each claim in a separate paragraph. **UNRELATED CLAIMS MUST BE RAISED IN A SEPARATE CIVIL ACTION. NO MORE THAN FIVE (5) TYPED OR TEN (10) NEATLY PRINTED PAGES MAY BE ATTACHED TO THIS COMPLAINT. (LR PL 3.4.4)**

CLAIM 1: 12-29-15 Reconsideration Granted, then
took away because I said I wanted to file
a Habeas. The Judge said pick one or the
other.
Supporting Facts: Court Transcripts and 2
Transport Officers from Monongalia County

I previously sent all of this information on 5-16-16 I am experiencing problems with the mailing system here. They also have all the paperwork at Habeas hearing. Attachment A

7-30-15 CLAIM 2: Revocation Papers sent to an address where the supposed crime occurred instead of to the place it happened. Prosecutor, Probation and Lawyer had a meeting before sending it out
Supporting Facts: Transcript and Capias and Notice of Capias

2-25-14 CLAIM 3: Revocation Hearing was not shown any proof of failed test it was all done on hear say.
Supporting Facts: Transcript.

CLAIM 4: Parole Hearings have yet to see PSR I disagree with it I did not fill it out.

Supporting Facts: Part read to me at Parole hearing 2016 of April. Refusal of PSR.

CLAIM 5: Was denied parole 2014 / 2015 / 2016 for not admitting I was guilty of a crime that I signed an Alford Kennedy plea for. Which said no factual basis and neither innocent nor guilty.
Supporting Facts:

Transcripts / parole papers / Refusal of parole transcripts

VI. INJURY

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Describe **BRIEFLY** and **SPECIFICALLY** how you have been injured and the exact nature of your damages.

*in prison. Because of I have had to spend 22 months
resending of mail. Loss of wages / child support / payment of fines
loss of time with children / personal
life / and bussiness. Loss of life changes in
Children college / prom / graduation. School
personal life.*

VII. RELIEF

State **BRIEFLY** and **EXACTLY** what you want the Court to do for you.

Make no legal arguments. Cite no cases or statutes.

*I would like released and ~~feem~~ ~~feem~~ to
receive compensation for the above mentioned
things.*

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and accurate. Title 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at Lakin Correctional on 6-13-16.
(Location) Center (Date)
Jeresa Miller
Your Signature

*I sent all of this and a signed application
on 5-16-16. If you do not have all of
the paper exhibits mentioned please
get hold of me or the District Court
in Elkins. Because they also have
them. Because when you received the
transcript to collect and Trustee Report, it
had been included.*

8) Seperate
Paper
Exhibits

6 Transcripts

Form 4/2 @ USC 1983
and 40 page index
and